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*Attorneys for Defendant Carlton Pope*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
U.S. BANK TRUST, N.A. AS TRUSTEE FOR  
LSF9 MASTER PARTICIPATION TRUST,

Plaintiff,

-against-

CARLTON POPE, ADAM REY, ANGELA HALL  
BORROUGHS, NEW YORK CITY PARKING  
VIOLATIONS BUREAU,

Defendants  
-----X

Hon. Sterling Johnson, Jr.

Case No. 15-cv-03284 (SJ-  
RML)

**NOTICE OF MOTION  
TO DISMISS**

PLEASE TAKE NOTICE that, upon Plaintiff's Complaint herein, the accompanying Memorandum of Law in Support of Defendant Carlton Pope's Motion to Dismiss, the Affidavit of Carlton Pope dated September 23, 2015, and all prior proceedings herein, Defendant Carlton Pope, through the undersigned, will move this Court before the Honorable Sterling Johnson, Jr., U.S.D.J., at the United States Courthouse for the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201, for an order dismissing this action pursuant to the doctrine of abstention, Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and Sections 1304 and 1306 of the New York Real Property

Actions and Proceedings Law, and for such other relief as to the Court shall seem just and proper.

PLEASE TAKE FURTHER NOTICE that Defendant requests oral argument on the motion on a date and at a time to be designated by the Court.

Dated: Staten Island, New York  
September 24, 2015

/s/ Megan J. Freismuth  
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**Certificate of Service**

I hereby certify that on September 24, 2015, the foregoing document was served in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or the Eastern District's Rules on Electronic Service upon Kevin Young, Esq. by first-class mail to 1775 Wehrle Drive, Ste. 100, Williamsville, New York, 14221 and electronic mail.

/s/ Megan Freismuth